

The 17th October, 1994

No. 14/13/87-6Lab./648.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/s Escorts Ltd. (Tractor Division) Faridabad *versus* Jagbir Singh.

IN THE COURT OF SH. N.L. PRUTHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT-I, FARIDABAD

Ref. No. 478 of 88

IN THE MATTER OF INDUSTRIAL DISPUTE
between

SH. JAGBIR SINGH S/O SH. LACHI RAM, C/O H. M.S., 51-A SECTOR-6, FARIDABAD

.. *Workman*

And

M/S ESCORTS LTD., (TRACTOR DIVISION). PLOT NO. 2, SECTOR-15, FARIDABAD

.. *Management*

Present :

Sh. R.C. Sharma, AR for workman.

Sh. S.S. Sethi, AR for Management.

AWARD

Under the provisions of Section 10 (1) (d) of Industrial Disputes Act, 1947, the Government of Haryana have,— *vide* Endst. No. SOV/FD/90-88/49304-08 dated 4th November, 1988, referred the following dispute between the parties above named for adjudication:—

“Whether the termination of services of Sh. Jagbir Singh is legal and justified. If not, to what relief he is entitled?”

2. The case of the workman is that he was employed as Helper in Plant No. III of Escorts Ltd., Faridabad, w.e.f. December 1984. According to him there are 300-400 permanent vacancies in that Plant but the workers so employed against these vacancies continue to be casual or temporary for years together and this tantamounts to unfair labour practice. By doing so, the Management deprives the workers of various benefits to permanent workers. It is also the case of the workman that if he were made permanent, his monthly wages would have been Rs. 1500/- where as he was only being paid minimum wages of Rs. 21 per day. Further case of the workman is that he had worked in all for 300 days. His first spell of service was from December, 1984 and thereafter he also worked continuously from 1986 to 1987. The worker has also alleged that he was not made payments as envisaged in Industrial Disputes Act, 1947 at the time of termination of his services. So, dubbing the stand of the Management as illegal and unjustified, the workman has claimed reinstatement with continuity of service and payment of full back wages. The workman has also contended that he has been employed anywhere ever since his termination.

3. The defence taken by the Management is that it has about 1000 permanent workers in Plant No. III. In addition, the Management engages from time to time workers on probation, temporary and casual basis depending on its requirements. It has denied that casual/temporary persons are engaged against 300 to 400 permanent vacancies. Rather, the service conditions of workmen of all the categories are regulated by the provisions of Certified Standing Orders and tripartite settlement reached between the Management and union of workers. Wages and other benefits are paid in accordance with terms of settlement and the provisions of Industrial Disputes Act.

4. According to the Management, the claimant was engaged from time to time depending on requirement of work as casual worker on day to day basis and for that matter he has no right to continue in employment nor does he have a right to any post. His last spell of employment was from December, 1986 to 30th April, 1987. Even during this period, his engagement was intermittent rather than continuous. His first term of appointment was from 14th December, 1984 to 31st December, 1984 and a letter to that effect was also issued to him. It has thus been denied that no amount was paid to him at the time of cessation of employment. As a matter of fact, no amount was due under the provisions of Industrial Disputes Act, 1947. Other objections taken are that the reference as made by the Government is incompetent and bad in law.

5. In the rejoinder, pleas taken in the claim statement have been reiterated while those in the written statement controverted.

6. On the pleadings of the parties, following issues were framed on 4th April, 1990 :—

(1) As per reference ? OP Parties.

(2) Whether the reference is incompetent and bad in law ? OPM

7. I have heard AR for the parties and perused facts on record. My findings on each of the issues with reasons therefor are as under :—

Issue No. 1.

8. In his examination as WW-1, claimant Jagbir Singh admitted that he used to work as casual worker. He had also admitted that check lists Ex. W-1 to W-9 were given to him. These check lists show it that the claimant had been in the employment of the Management as under :—

04-12-84 to 31-12-84	.. 28 days
05-01-85 to 31-01-85	.. 27 "
02-04-85 to 15-04-85	.. 14 "
21-10-85 to 30-11-85	.. 41 "
01-12-86 to 31-12-86	.. 31 "
09-01-87 to 31-01-87	.. 23 "
05-02-87 to 28-02-87	.. 24 "
03-03-87 to 31-03-87	.. 29 "
01-04-87 to 30-04-87	.. 30 "

Total :—

247 days

The above tally shows that the claimant had put in service for 247 days during the period of his employment from December, 1984 to April, 1987. This belies the stand of the workman that he had worked for more than 300 days. This apart the number of days for which the claimant had worked during 12 months preceding the cessation of his service on 30th April, 1987 come to 106 only and that, too, intermittently.

Maninder Singh Jabbar examined as MW-1 stated that the claimant had worked with the Management as casual worker on daily wage basis. This witness also stated that the claimant had worked from 4th December, 1984 to 31st December, 1984 in Assembly line Deptt. against the leave vacancy of Pradeep Kumar. Thereafter Lila Singh of Quality Control Deptt. who was suffering from T.B. had proceeded on leave and in his leave vacancy claimant was given employment from 5th January, 1985 to 15th April, 1985. The witness also stated that the claimant had after that date not turned up. Again the workman had come on the gate of the factory and was engaged as casual worker in I.E.D. Deptt. from 19th August, 1985 to 19th October, 1985. Thereafter, the claimant worked in Assembly Deptt. Assembly line from 1st December, 1986 to 31st December, 1986 and 9th January, 1987 to 31st January, 1987. The witness also stated that one G. William had proceeded on leave and in his leave vacancy the claimant had worked from 4th February, 1987 to 28th February 1987 in I.E.D. and thereafter in his last spell from 3rd March, 1987 to 30th April, 1987 in Assembly line. According to the witness, the claimant was engaged for the purpose of getting extra production. The wage slips Ex. W-10 to W-25 which have been placed on record by the workman pertain to the period from December, 1984 to April, 1987. The total of the working days for which the workman had drawn wages comes to 229 days. This does not include the wages drawn in September, 1985 as the document Ex. W-16 is almost blank. The claimant did not produce any more wage slips and had said that the same were lost by him. The workman had drawn wages for 88 days in 12 months preceding the date up to which he had been in the employment.

9. It is thus a proven fact that the workman was a casual worker and had not even been in the employment of the Management for 240 days in a year within the meaning of Section 25-B of the Industrial Disputes Act and is thus not entitled to any relief. To support his contention, AR for the Management

placed reliance on *Indian Air Lines versus Sebastian* 1991 LLR (Kerala) 488. In that case it was held that when the workman who had worked as casual worker on daily wage basis and had worked for less than 240 days during the consecutive period of 12 months, he had not put in one year continuous service within the meaning of Section 25-B of I.D. Act, and thus the provisions of Section 25-F and 25-G were not attracted. The case of the workman Jagbir Singh generally falls in the category of case cited above.

10. Another point canvassed before me was with regards to the application of provisions of Section 2 (oo) (bb) of I.D. Act to this case. Check Lists Ex. W-1 to W-9 which have been placed on record by the workman show it that the employment given to him each time was for a specified period and on the expiry of the same his employment had automatically come to an end. It was so held in *Surender Kumar Gayni versus State of Rajasthan* & another 1992 (65) FLR 878. In that case the Hon'ble Supreme Court had held that the services of a temporary employee can be terminated on expiry of the specified period during it in accordance with the terms stipulated in contract and such a termination will be covered by Section 2 (oo) (bb) of I.D. Act, 1947.

11. So, from the factual & legal position discussed above, it is evident that the workman had not acquired any right to any post or to continue on the same. As such, holding that his services had not been terminated, rather the same had come to an automatic end, this issue is decided in favour of the Management and against the workman.

Issue No. 2.

12. The onus of proof of this issue was placed on the Management. This issue was neither pressed nor any evidence led thereon. It is thus decided against the Management and in favour of the workman.

13. In view of my findings on Issue No. 1, it is held that the Management had not terminated the services of the workman but the same had come to an automatic end and this apart the workman had not complete 240 days of service in a year preceding the date of cessation of his service on 30th April, 1987. He is thus not entitled to any relief. An award is passed accordingly.

N. L. PRUTHI,

The 16th September, 1994.

Presiding Officer,
Industrial Tribunal-Cum-
Labour Court-I, Faridabad.

Endst. No. 3522, dated 16th September, 1994.

A copy with three spare copies is forwarded to the Commissioner & Secretary to Government, Haryana, Labour Deptt. Chandigarh.

N. L. PRUTHI,

Presiding Officer,
Industrial Tribunal-Cum-
Labour Court-I, Faridabad.

The 11th October, 1994

No. 14/13/87-6Lab./650—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Faridabad in respect of the dispute between the workman and the management of M/s Administrative Faridabad Complex, Administration, Ballabgarh *versus* Hukam Singh

IN THE COURT OF SH. U.B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II,
FARIDABAD

Ref. No. 292/91

THE MANAGEMENT OF M/S ADMINISTRATIVE FARIDABAD COMPLEX, ADMINIS-
TRATION, BALLABGARH (FARIDABAD)

versus

THE WORKMAN NAMELY SH. HUKAM SINGH S/O SH. RANJIT C/O SH. D.P. GAUTAM,
SHOP NO. 12, MARKET NO. 5, FARIDABAD

Present :

Sh. Ashok Sharma, AR, for the workman.

Sh. B.S. Yadav, for the respondent.

AWARD

In exercise of the powers conferred by clause (C) of Sub Section (i) of Section 10 of the Industrial Disputes Act, 1947 (herein-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication,—vide Haryana Government Endst. No. 25476-81, dated the 15th July, 1991 :—

"Whether the services of Sh. Hukam Singh were terminated or he had abandoned the job himself having remained absent ? The relief, to which is he entitled as result thereof ?

2. Briefly stated the case of the workman is that he was appointed by the respondent as Bill Distributor in the year 1981. His work and conduct had been satisfactory. No charge sheet or warning was ever issued to him. His services were terminated in December, 1986 without any reason and without giving any notice or pay in lieu of notice and retrenchment compensation. The persons junior to him were also retained in service. The termination of his services is illegal being violative of provisions of Section 25-F and 25-N of the Act. Consequently, he is entitled to be reinstated into service with continuity in service and full back wages.

3. The respondent submitted written statement stating therein that the workman was never appointed but he was in the employment on daily wages/adhoc employees. He was never appointed on regular basis. He was also not confirmed. He has been absent from duty w.o.f. November 1985 and again absented in April, 1986 and he was removed from service due to continuous absence. He had received all his dues in full and final settlement. Even otherwise his name was liable to be removed from the muster rolls due to his absence from duty for a period of more than 10 days as per provisions in the model standing orders. It is not a case of retrenchment. Consequently, the workman is not entitled to any relief.

4. In the rejoinder dated 9th December, 1992, the workman denied the averments of the respondent and re-affirmed his averments.

5. On the pleadings of the parties, the following issue was framed :—

(1) Whether the services of Sh. Hukam Singh were terminated or he had abandoned the job himself having remained absent ? The relief, to which is he entitled as result thereof (As per terms of reference).

6. Both the sides have led evidence.

7. I have heard the authorised representatives of both the sides and have also gone through the evidence on record. My findings on the aforesaid issue are as under :—

8. MW-1 Vijay Kumar deposed that the workman was appointed as Bill Distributor in July 1983 and he had left the job himself before May 1985. He had never come back to resume duty thereafter. In the end, he stated that if a person appointed on daily wages does not come to attend to his duty for a period of 10 days then his name is struck off from the muster rolls and it was so done in this case as the workman had been working on temporary basis and not on regular basis.

9. On the other hand, the workman deposed facts as mentioned in the claim statement.

10. On the basis of aforesaid evidence, it has been submitted on behalf of the respondent that the name of the workman was struck off from the muster rolls on account of his absence for a continuous period of more than 10 days as per provision in the model standing orders. The workman was thus, not entitled to retrenchment compensation. Consequently, the workman is not entitled to any relief.

11. In reply, it has been submitted on behalf of the workman that MW-1 Vijay Kumar admitted in his cross examination that the workman had rendered service for a continuous period of more than 240 days with the respondent prior to the termination of his services. His name could not be struck off from the muster rolls without affording an opportunity to him to explain his position with regard to absence from duty. The impugned action of the respondent is violative of principles of natural justice. That being so, the termination of services of the workman striking off his name from the muster rolls is illegal. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages.

12. In the case between D.K. Yadav Versus JMA Industries Ltd. 1993 WLR 111 the Hon'ble Supreme Court of India held as under :—

"It is thus, well settled law that right to life enshrined under Article 21 of the constitution would include right to livelihood. The order of termination of the service of an employee/workman visits with civil consequences of jeopardising not only his/her livelihood but also

career and livelihood of dependents. Therefore, before taking any action putting an end to the tenure of an employee/workman fair play requires that a reasonable opportunity to put forth his case is given and domestic enquiry conducted complying with the principles of natural justice. The principles of natural justice must be read into the Standing Order No. 13 (2) (iv) otherwise it would become arbitrary, unjust and unfair violating Article 14. When so read the impugned action is violative of the principles of natural justice".

13. The facts of this case are similar to the facts in case referred to above. Applying the ratio of the aforesaid case on the facts of the instant case the impugned action of the respondent striking off name of the workman from muster rolls without affording an opportunity to him to explain his position with regard to his alleged absence is illegal even though it may be as per model standing orders. Consequently, it is held that the termination of services of the workman by the respondent is illegal and unjustified. As a sequel to this finding the workman is entitled to be reinstated into service with continuity of service. The workman is however, not entitled to full back wages as he served demand notice after the expiry of long period of 5 years without any reason. He is entitled to 50% of the back wages from the date of receipt of reference i.e. 15 July, 1994. The award is passed accordingly.

The 16th September, 1994

U.B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

Endst. No. 2927, dated 16th September, 1994.

A copy with three spare copies is forwarded to the Commissioner and Secretary to Government Haryana, Labour Deptt. Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6 Lab./652—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad, in respect of the dispute between the workman and the management of M/s United Industrial Products, Mujesar, Faridabad *versus* Shankar Kumar Gupta.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD

Reference No. 122 /94

between

THE MANAGEMENT OF M/S UNITED INDUSTRIAL PRODUCTS, PLOT NO. 7,
OPPOSITE ESCORTS HARIOIENA LTD., MUJESAR, SECTOR-24, FARIDABAD

versus

THE WORKMAN, NAMELY SH SHANKAR KUMAR GUPTA C/O SH. SUBHASH SHARMA,
GENERAL SECRETARY, L. M. M., HANUMAN MANDIR, SECTOR 22, FARIDABAD

Present :

None.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute, between the parties mentioned above to this Court for adjudication,—*vide* Haryana Government Endorsement No. 17484—89, dated 4th May, 1994:—

Whether the termination of services of Sh. Shankar Kumar Gupta is legal and justified? If not, to what relief is he entitled to?

2. Two notices were sent to both the parties under ordinary post to appear in the court on 11th July, 1994 and 18th August, 1994 but none appeared. It was thus, ordered that notices under registered cover be sent to both the parties for appearing in the court today. Notice sent to the management has been received back undelivered with the remarks of the postal authority that the factory does not exist on the given address. Notice sent to the workman has not been received back undelivered. It appears that he is not interested to pursue the matter. In the circumstances, the court is left with no option but to pass no claim award and it is passed accordingly.

U. B. KHANDUJA,

The 20th September, 1994.

Presiding Officer,
Labour Court-II, Faridabad.

Endorsement No. 2930, dated the 22nd September, 1994.

A copy with three spare copies is forwarded to the Commissioner and Secretary to Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

The 17th October, 1994

No. 14/13/87-6Lab/654—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of M/s E-in-Chief, Irrigation Deptt. Hr., Chandigarh *versus* Mange Ram.

BEFORE SHRI B.R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR

Reference No. 151 of 90

Date of receipt : 6-2-89
Date of decision : 7-9-94

SHRI MANGE RAM, S/O TARA CHAND, V.P.O. ALAMPUR, DISTT. BHIWANE.

.. Applicant.

versus

1. ENGINEER-IN-CHIEF, IRRIGATION DEPTT., HARYANA, CHANDIGARH
2. EXECUTIVE ENGINEER, SIWANI LIFT IRRIGATION DIV., BHIWANI

.. Respondent Management

Present :—

Shri B.R. Raptia for the workman.

Shri Sita Ram, ADA for the management.

AWARD

In exercise of the powers conferred by clause (c) of Sub-Section (1) of section 10 of the Industrial Disputes Act, 1947 (for short, 'the Act') the Governor of Haryana referred the following dispute between Mange Ram and the above mentioned management for adjudication to this Court,—*vide* Labour Deptt. Letter No. Bwn/14-89/4762—68, dated 31st January, 1989:—

"Whether services of Mange Ram were terminated or he left the job by absenting himself ? In either event, to what relief is he entitled ?

2. According to the workman, he was appointed as Beldar /Chowkidar on 1st December, 1987 at I/T Alampur Minor under the management. It was alleged by him that his services were terminated on 12th September, 1988. The workman has claimed that termination of his services, was illegal, against the principles of natural justice and against the provisions of the Act, because no notice was served upon him, nor any retrenchment compensation was paid to him before terminating his served. The workman also claimed violation of Section 25-G of the Act and it was claimed that a number of juniors were retained in service at the time of termination of his services.

3. The management, in its written statement, however, contended that the workman was employed as daily paid worker on 1st February, 1988 in Siwani Lift Irrigation Division, where he worked upto 21st August, 1988, thus rendering 202 days service. It was, therefore, claimed that the provisions of the Act were not attracted in this case. It was further stated that the workman thereafter left the duty without informing the management and violation of Section 25-G of the Act was also denied. Several preliminary objections were also raised, as they are reflected in the following issues, framed on 8th January, 1983 by my learned predecessor :—

- (1) As per terms of reference.
- (2) Whether the claim is not maintainable ?
- (3) Whether the petitioner's claim is to be dismissed as alleged in preliminary objection No. 3 of W.S. ?
- (4) Whether this Court has no jurisdiction ?
- (5) Whether the petitioner has no cause of action ?
- (6) Whether the claim is bad due to non-joinder of necessary parties ?
- (7) Whether the petitioner himself left the job ?
- (8) Relief.

4. The parties led evidence in support of their rival claims. I have heard Shri B. R. Rapria, A.R. of the workman and Shri Sita Ram, ADA on behalf of the management and have gone through the case file. My findings on the above issues are as under :—

Issue No. 1:

5. Mange Ram, workman has appeared as WW-1 and in his statement recorded on 14th January, 1994, he has deposed that he was appointed as Beldar on 1st December, 1987 and that his services were terminated on 12th September, 1988 without giving him any notice and without payment of any retrenchment compensation. He also claimed that he has filed an application before the Authority under Payment of Wages Act, for payment of wages and he adduced in evidence the copy of the order of the Authority under Payment of Wages Act, as Ex. W-2. He further clarified that he had worked as Beldar from 1st December, 1987 to 30th December, 1987 in Alampur I/L Minor. He also adduced in evidence the photo copies of vouchers evidencing delivery of wages for the months of December, 1987 and January, 1988 as Ex. W-5 and Ex. W-6 respectively. He also adduced in evidence the copies of pay bills etc. showing his attendance for various periods as Ex. W-7 to Ex. W-14.

6. Shri N. K. Garg, SDO, has appeared as MW-1, on behalf of the management and he has deposed that the workman had worked for 202 days during the period from 1st February, 1988 to 21st August, 1988, and thereafter he left the job at his own.

7. It is admitted by the management in the reply submitted before the Authority under the Payment of Wages Act, a copy of which is Ex. W-2, that the work in question, was transferred to Siwani Lift Irrigation, Bhiwani on 1st February, 1988 the previous Division and it is admitted by Shri N.K. Garg, MW-1 in his cross-examination that the old record of the previous division was received in the Siwani Lift Irrigation Division by way of transfer. This statement, made by Shri N.K. Garg, MW-1, is at variance with the plea contained in Ex. W-2, wherein it was stated that record of previous division viz. attendance registers etc. was not handed over to Siwani Lift Irrigation Division. It therefore, stands established that the record of the old division was received by the Siwani Lift Irrigation Division by way of transfer. It was therefore, the duty of the management to produce the relevant record, which was primary evidence, to show that the workman was not employed in the Alampur Minor, during the months of December, 1987 and January, 1988 and that through the copies of payment vouchers Ex. W-5 and Ex. W-6, payment of wages was not made to Mange Ram, workman. It is perhaps because of this reason that Shri N.K. Garg, MW-1 has not specifically denied the suggestion that Mange Ram, workman was one of the two labourers, to whom wages were paid through vouchers No. 58 and 30 (Ex. W-5 and Ex. W-6 respectively). In the wake of this situation, the statement of Mange Ram, workman that he had worked for two months of December, 1987 and January, 1988 in the old

Alampur Minor Division, cannot be brushed aside, particularly when it stands established from Ex. W-7 that Mange Ram, had worked as Chowkidar for the period from 20th December, 1987 to 30th December, 1987. If we add the working days of December, 1987 and January, 1988 to the 202 days already admitted by the management, it would be manifest that the total working days of the workman, would exceed 240 days in any case and as admittedly the provisions of Section 25-F of the Act were not complied with in this case, the workman would be entitled to reinstatement with full back wages and other benefits.

8. Even if it be presumed that there is no clinching evidence to prove that the working days of the workman exceeded 240 days, it is to be noted that Shri N.K. Garg, SDO, MW-1 has admitted in this cross-examination that the workman had sought recovery of wages for the period from 21st August, 1988 to 12th September, 1988 from the Authority under Payment of Wages Act and that the said claim of the workman had since been accepted and no appeal preferred by the management. Since the management had allowed the claim of the workman for wages for the period from 21st August, 1988 to 12th September, 1988 to be decreed without any contest, it shall legitimately be presumed that the workman had worked for 21st August, 1988 to 12th September, 1988, a total of 23 days. It is also evident from Ex. W-7 that Mange Ram had worked from 20th December, 1987 to 30th December, 1987, a total of 11 days. If we add these 34 days to 202 admitted working days, the total working days of the workman comes to 236 days. It is not the case of the management that the work was not available with the department in September, 1988. Keeping the above circumstances in view, when the job was available, I am of the view that action of the management in preventing the workman from attending to his duties with effect from 23rd December, 1988 was an "unfair labour practice", and on this account, the retrenchment of the workman is illegal. In this connection, I place reliance on the Division Bench authority of *Kapurthala Central Coop. Bank Ltd. Kapurthala versus Presiding Officer, Labour Court, Jallundher & others*, 1984 LAB.I.C.,-974 and subsequent authorities of *Ferozepur Central Coop. Bank Ltd. versus Labour Court, Bhatinda*, FJR (Vol-67)-367 and *Gurdaspur Central Coop. Bank Ltd. versus Labour Court, Gurdaspur & Others*, 1991 (1) RSJ-76. In the authority of *Kapurthala Central Coop. Bank Ltd. versus Presiding Officer, Labour Court, Jallundher* (Supra) the workman had completed 230 day's job, while in the authority of *Ferozepur Central Coop. Bank Ltd. versus Labour Court, Bhatinda* (Supra), the workman had put in 232 days in service. On the strength of these two authorities, it can be said without any hesitation, that the termination of services of the workman, amounted to "unfair labour practice", and the same was illegal. The workman is, thus, entitled to reinstatement, with consequential benefits.

9. In view of the above discussion, the termination of services of the workman is held illegal and he is entitled to reinstatement with full back wages and other consequential benefits. The issue is answered accordingly in favour of the workman.

Issue No. 2, 3, 4, 5 & 6 :

10. All these issues were not pressed by the A.R. of the management and these issues were conceded to by him during arguments. All these issues are, thus decided against the management.

Issue No. 7 :

11. There is no evidence on the file that the workman himself left the job. The demand notice was raised by the workman on 22nd September, 1988, when he was not allowed to attend to his duties on 13th September, 1988. The swiftness with which the workman raised the demand notice negatives the contention of the management that the workman left the job himself. I, therefore, answer this issue against the management.

Issue No. 8-Relief.

12. In view of my findings on the above issues, the termination of services of the petitioner is held illegal. The same is hereby set-aside. The petitioner is reinstated in the same post forthwith, with full back wages and benefit of continuity of service and other consequential benefit. The reference is answered accordingly, with no order as to costs.

The 7th September, 1994

Endst. No.

The

A copy, with spare copy, is forwarded to the Financial Commissioner and Secretary to Government Haryana, Labour & Employment Department, Chandigarh for necessary action.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Hisar.

B. R. VOHRA,

Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Hisar.